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Committee on Economic, Social and Cultural Rights
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Consideration of reports: reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

List of issues in relation to the second periodic report of China (E/C.12/CHN/2), including Hong Kong, China (E/C.12/CHN-HKG/3) and Macao, China (E/C.12/CHN-MAC/2)*

Addendum

Replies of Macao, China to the list of issues**

[Date received: 19 March 2014]

* The list of issues (E/C.12/WG/CHN/Q/2) comprises three parts: part one (paras. 1–39) relating to China; part two (paras. 40–59) relating to Hong Kong, China; and part three (paras. 60–70) relating to Macao, China.

** The present document is being issued without formal editing.

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Part Three: reply of the Government of the Macao Special Administrative Region to the issues raised by the Committee on Economic, Social and Cultural Rights on 30 May 2013 (E/C.12/WG/CHN/Q/2) relating to the second periodic report submitted by the People's Republic of China with reference to the International Covenant on Economic, Social and Cultural Rights

VI. Issues relating to provisions of the Covenant (articles 1 to 5)

Article 3 – Equal rights of men and women

Please provide information on steps taken to address the persistent wage gap between women and men and to ensure that women receive equal pay for work of equal value

1. Reply: As regards equality in employment between men and women, there are different levels of protection in the legal aspect, including Decree-law no. 52/95/M which safeguards equality of opportunities and treatment in employment for both male and female workers in labour relations. Its Article 9 stipulates that both male and female workers are entitled to receive equal remuneration for the same work or work of equal value provided for the same employer. Following the same principle, both Article 5 (1) of Law no. 4/98/M, Framework Law on Employment Policy and Workers' Rights, and Article 57(2) of Law no. 7/2008, Labour Relations Law, establish the principle of equal remuneration for equal work. Despite basic remuneration, the Labour Relations Law further stipulates that, in terms of work conditions, there should not be any unequal treatment for employees due to their sex and other reasons. In order to implement the related provisions, the Labour Affairs Bureau clearly states in its recruitment registration service that employers should set the same requirements and treatment for male and female applicants regarding the positions they register.

2. Should an employer violate the provision of Decree-law no. 52/95/M concerning equal remuneration, pursuant to the provision of its Article 15, the Labour Affairs Bureau may impose a fine of MOP20,000.00 to MOP50,000.00 on the employer for each female worker involved in the violation.

3. In addition, it is worth mentioning that the 1951 Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (ILO Convention no. 100) is applicable to the Macao SAR.

4. As a matter of fact, according to the statistical data concerning working population, employment population and unemployment population published by the Statistics and Census Bureau every quarter, the employment status of women is favourable in the Macao SAR. It is apparent in the statistical information regarding monthly median income in recent years that both male and female workers of public departments had similar income. Although there is still a pay gap between men and women workers of private institutions, this phenomenon does not generally exist in all industries. Furthermore, there are many objective factors contributing to the gap, such as the difference in physical abilities between the two sexes, the development background of the respective industries and so forth. Moreover, the Commission for Women's Affairs has been conducting a survey on Macao women's current statuses in alternate years since 2008. According to the Report on Condition of Women in Macao in 2010, the rate of remuneration of male and female workers was 0.78 in 2010 whereas the world average figure was 0.54, which reflects that

the Macao figure was above the world average level. The Report on Condition of Women in Macao in 2012 manifested that the rate of Macao women serving as professionals and management personnel in workplaces has increased compared to the data of the previous two surveys in 2008 and 2010 and the unemployment rate of women has dropped from 9.3% in 2010 to 7.5% in 2012. In fact, there was a considerable number of women who chose to engage in part-time jobs with fewer working hours in order to take care of their families and consequently earned less, thus this may lower the average salary of female workers and the fact that women are willing to devote more time to their families may also be a reason for the existence of the gender pay gap.

5. Practically, in order to upgrade the vocational skills of labourers from all walks of life including women and persons with disabilities for increasing their employment opportunities, the Labour Affairs Bureau has been working closely with its social partners such as enterprises, government departments, industrial and commercial associations, social service organisations and higher education institutes on the organisation of vocational skills training courses catered for the development needs of Macao's economy and labour market. Through the offer of the same vocational training, it is hoped that the stereotypical assumptions regarding the suitability of women or men for certain jobs would be eliminated and the gender pay gap would gradually be minimised. As shown in statistical data, the ratio of men and women participating in vocational training courses organized by the Labour Affairs Bureau from 2010 to 2013 (until September) can be found as follows.

Number of participants attending the vocational training courses of the Labour Affairs Bureau from 2010 to 2013

	2010		*2011*		*2012*		*2013 (January to September)*	
	Person-time	*%*	*Person-time*	*%*	*Person-time*	*%*	*Person-time*	*%*
Male participants	6,053	41.77	4,565	37.61	4,012	34.93	3,379	44.89
Female participants	8,437	58.23	7,574	62.39	7,475	65.07	4,148	55.11
Total no. of participants	**14,490**	**100.00**	**12,139**	**100.00**	**11,487**	**100.00**	**7,527**	**100.00**

Source of information: Labour Affairs Bureau.

VII. Issues relating to the specific provisions of the Covenant (articles 6 to 15)

Article 6 – The right to work

Please provide information on the proposals made so far by the Commission for the Rehabilitation of Persons with Disabilities regarding the integration of persons with disabilities into the labour market

6. Reply: To help persons with disabilities integrate into the society, the Macao SAR Government established the Commission for Rehabilitation Affairs (hereinafter referred to as "the Commission"), with the objective of assisting the Macao SAR Government with the conception, implementation, coordination and supervision of policies related to the prevention of disability, rehabilitation and social integration of persons with disabilities so as to assure their possession of equality of rights and to affirm their value of existence and dignity. The Commission is chaired by the Secretary for Social Affairs and Culture and

currently comprises representatives from 10 government departments, 15 representatives from NGOs and 4 individuals with recognised merits. Among others, members include the Director of the Labour Affairs Bureau and a representative of the Macao Federation of Trade Unions. It devotes to provide opinions on facilitating the integration of persons with disabilities into the labour market.

7. As regards the promotion of the integration of persons with disabilities into the labour market, the Commission proposes the following:

1. To explore diversified rehabilitation training facilities and to expand the categories of pre-employment training, employment support scheme and sheltered workshop in order to respond to the needs of different disability groups;

2. To consolidate promotion to government departments and enterprises on the advancement of facilities and equipment for persons with disabilities together so as to fully establish an integrated society for persons with disabilities;

3. To contribute more resources on sheltered employment, supported employment and competitive employment in order to encourage all sectors of society to accept persons with disabilities into the labour market;

4. To develop career transition planning for persons with disabilities so as to help them overcome different obstacles in their career paths;

5. To propose to the Government to further adopt measures to encourage all sectors of society to establish social enterprises for solving the employment problem for more persons with disabilities.

8. In addition, in the respect of practical work, the "Group of Employment Service for the Disabled" subordinated to the Employment Department of the Labour Affairs Bureau, which is a member of the Commission for Rehabilitation Affairs, also plays a significant role in the promotion of employment of persons with disabilities by providing them with information of the employment market, employment counselling services, recruitment and job-matching services for potential employers and persons with disabilities for free so as to help them integrate into the employment market, and comprehensive follow-up and support, including job-seeking registration, interviews, job referral and employment follow-up for three months to assess the work progress of the persons with disabilities and to provide them with assistance. The "Group of Employment Service for the Disabled" also provides employment counselling services, such as pre-interview guidance, mock interviews, pre-service counselling and so forth.

Job-Seeking Registrations of Persons with Disabilities with the Labour Affairs Bureau from 2010 to 2013

Year/Type of disability	*2010*	*2011*	*2012*	*2013 (January to September)*
Blind/Visually impaired	6	5	3	1
Deaf/Hearing impaired	25	13	12	8
Physically disabled	16	21	20	17
Discharged mentally ill patients	6	13	17	11
Mentally challenged	15	5	5	8
Chronically ill patients (Note)	53	3		
Speech impaired	2	1	1	0
Spastic (Note)	1	0		

Year/Type of disability	*2010*	*2011*	*2012*	*2013 (January to September)*
Multiple disabilities	5	1	3	4
Others	1	1	1	1
Total no. of people	63	63	62	50

Source of information: Labour Affairs Bureau.

Note: Following the entry into force of Administrative Regulation no. 3/2011, Assessment, Registration and Card Issuance System of the Classification of Disability, on 11 March 2011, the "Group of Employment Service for the Disabled" has also adjusted the types of disability accordingly and chronic illness and spasticity are not types of disability, thus the related statistical data was collected up to 10 March 2011.

Information of job-referral by the Labour Affairs Bureau from 2010 to 2013

Year/Occupation	*2010*	*2011*	*2012*	*2013 (January to September)*
Professionals	1	0	0	0
Technicians and associate professionals	1	0	0	0
Clerks	5	11	11	6
Service and sales workers	3	13	13	5
Skilled agricultural and fishery workers	0	0	0	0
Industrial craftsmen and artisans	0	1	5	0
Drilling crew, machine operators, drivers and assemblers	0	0	1	0
Unskilled workers	36	21	20	19
Total no. of people	46	46	50	30

Source of information: Labour Affairs Bureau.

9. Apart from providing job-referral and employment counselling services, the "Group of Employment Service for the Disabled" also carries out related publicity work, for instance, the organisation of the "Sail with Me Internship Programme for Persons with Disabilities" with the Social Welfare Bureau in 2004; the "Outstanding Disabled Employee Award" and the "Award for Employer of Disabled Person" organised by the Labour Affairs Bureau and the Social Welfare Bureau in alternate years since 2003 and 2005 respectively, devoting their efforts to the promotion of the work capabilities of persons with disabilities to the social sectors through related publicity work in the hope of increasing their employment opportunities.

Employees nominated for the "Outstanding Disabled Employee Award" in 2010 and 2012

	Sex		*Age*					*Type of disability*									
Year	*M*	*F*	*≤24*	*25-34*	*35-44*	*45-54*	*≥55*	*Mentally challenged*	*Physically disabled*	*Deaf/Hearing impaired*	*Blind/Visually impaired*	*Mentally ill*	*Chronically ill*	*Spastic*	*Speech impaired*	*Multiple disabilities*	*Others*
2010 (4th)	38	22	7	13	15	15	10	15	14	24	0	1	0	0	1	5	0
2012 (5th)	39	32	9	20	18	16	8	25	12	25	3	0	1	0	0	5	0
Total	77	54	16	33	33	31	18	40	26	49	3	1	1	0	1	10	0
	131						**131**										**131**

Source of information: Labour Affairs Bureau.

No. of companies nominated for the "Award for Employer of Disabled Person" in 2011 and 2013

Year	*2011 (4th)*	*2013(5th)*
No. of companies	60	65

Source of information: Labour Affairs Bureau.

Article 7 – The right to just and favourable conditions of work

Please provide information on steps taken to ensure that migrant workers are employed under formal contracts, do not have to pay excessive fees to recruitment agencies, and are paid equal wages for equal work in comparison to local workers

10. Reply: Article 23 of Law no. 21/2009, Law for the Employment of Non-Resident Workers, clearly stipulates that the labour contracts entered into with non-resident workers should be made in writing and the contract should be made in duplicate, with a copy to be held by each party. Furthermore, the contract must include the detailed identification information and domiciles of both parties, the professional categories and the respective remuneration of the worker, the place of work, normal working schedule and working hours, the date on which the contract enters into force and the date on which it is concluded.

11. As regards the fees that employment agencies charge, pursuant to Article 16(a) of the Licensing System for Employment Agencies, approved by Decree-law no. 32/94/M, employment agencies are, in principle, prohibited from collecting any fee from job-seekers for job placement. Nevertheless, Article 17(3) of the aforementioned Decree-law exceptionally stipulates that an employment agency, which provides lodging for a non-resident worker, may collect a monthly fee of no more than one-sixth of the worker's wage. In other words, the employment agency should not collect any fee other than the fee for lodging from the non-resident worker. If any violation of the related provision is found, the Labour Affairs Bureau will impose a fine of MOP10,000.00 to MOP30,000.00 on the employment agency for each non-resident worker involved, in accordance with Article 22(1)(c) of the same Decree-law.

12. In addition, the provision of "equal pay" is stated in both the Framework Law on Employment Policy and Workers' Rights and the Law for the Employment of Non-resident

Workers, to ensure that non-resident workers enjoy rights, obligations and work conditions not inferior to local workers, implying equal remuneration should be paid to a non-resident worker and a local worker for the performance of the same work or work of equal value. On the other hand, pursuant to Article 20 of the Law for the Employment of Non-resident Workers, the labour relations established with non-resident workers shall be subsidiarily governed by the Labour Relations Law, namely in regards to rights, obligations and guarantees. In other words, both non-resident workers and local workers are basically protected by the same laws; regardless of whether the worker is a non-resident or a local worker, when his rights are infringed, including cases of dismissal without a just cause or non-payment of wages and so forth, the Labour Affairs Bureau would follow up and handle the cases in accordance with law.

Please clarify whether the 2008 Labour Law will be amended to introduce maximum working hours and minimum wages. Please also clarify what sanctions can be imposed against employers in case of non-payment of wages

13. Reply: It is worth pointing out that, Article 33(1) of the Labour Relations Law provides that normal working hours should not exceed eight hours a day and forty-eight hours a week. Although the employer may decide, according to the operational characteristics of his enterprise and by agreement with his employee, that the latter's daily working hours may exceed the related limits, the employer should ensure that the employee is given 10 consecutive hours and a total of not less than 12 hours of rest per day, and the weekly working hours should not exceed 48 hours.

14. On the other hand, Articles 36 to 38 of the Labour Relations Law provide for the circumstances in which overtime work may be performed beyond normal working hours, as well as corresponding remuneration and compensatory rest. Pursuant to Article 36 of the aforementioned law, both the employer and his employee may request for overtime work under the consent of the other party and with a record attesting the consent. Nevertheless, when cases of force majeure occur or when the employer is facing great loss or an unpredictable increase in the amount of work, the employer may arrange his employee to perform overtime work irrespective of the latter's consent. However, under the circumstances of force majeure and great loss of the employer, the daily working hours of the employee may not exceed 16 hours whereas under the circumstances of an unpredictable increase in the amount of work, the daily working hours of the employee may not exceed 12 hours.

15. The employee who provides the service of overtime work has the right to receive an additional remuneration for overtime work pursuant to Article 37 of the same law whereas under the circumstance of mandatory provision of overtime work, the employee concerned is entitled to paid leave pursuant to Article 38.

16. The employer's denial of the employee's right to rest in whole or in part already constitute a misdemeanour and the employer may be punished with a fine of MOP10,000.00 to MOP25,000.00 for each employee involved in the violation pursuant to Article 85(2)(ii) of the same law.

17. In relation to minimum wage, the Macao SAR Government's outsourced security guards and cleaners have been protected with statutory minimum wages since 2007, with the amounts adjusted to MOP26.00 per hour, MOP208.00 per day and MOP5,408.00 per month since June 2013. On the other hand, the Macao SAR Government has been facilitating discussions on minimum wage among the three parties of employers, employees and the Government through the Standing Committee for the Coordination of Social Affairs in order to cope with the development and needs of the society. Currently, both the employers and the employees have agreed to set a minimum wage first for cleaning and security staff within the property management industry and public consultation was

conducted between 30 September and 15 November 2013 in order to collect opinions of different sectors of the society. During the consultation period, the Macao SAR Government received a total of 1,007 written opinions and is at present analysing them to make a concluding report. At the same time, the Macao SAR Government is preparing to draft the relevant law and other preparatory documents for official legislative procedures. It is making an effort to finish the preparatory work for its legislation before December 2013.

18. It is worth mentioning that although minimum wage has not been extensively implemented in the Macao SAR, the Macao SAR Government has adopted provisional measures through Administrative Regulation no. 6/2008 since 2008 in order to lighten the burden of low-income employees by providing permanent residents of the Macao SAR who have reached 40 and whose quarterly income is below a certain amount (at present, MOP14,100.00) with an income subsidy.

19. Regarding the protection of employees' right to remuneration, Articles 62 and 63 of the Labour Relations Law stipulate that the employer is obliged to pay his employees basic remuneration on a regular and timely basis. If the employee could not receive his basic remuneration on time for reasons imputable to his employer, it already constituted payment in arrears. Pursuant to Article 85(1)(vi) of the same law, the employer's denial of his employee's right to remuneration in whole or in part is regarded as a misdemeanour and the employer may be punished with a fine of MOP20,000.00 to MOP50,000.00 for each employee involved, and Article 87 of the same law also stipulates that the penalty of fine may be convertible to prison term in accordance with the Macao Criminal Code.

Article 8 – Right to form and join trade unions and right to strike

Please provide information on restriction, if any, to the right to form and join trade unions. Please also clarify whether the Basic Law protects workers from retribution following trade union activity or taking part in a strike

20. Reply: Article 27 of the Basic Law of the Macao Special Administrative Region stipulates that Macao residents have freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike. In order to implement the aforementioned fundamental provisions, the Macao SAR has a series of provisions to further guarantee that the residents' freedom of association and right to strike could be realised, including the Macao Civil Code and Law no. 2/99/M, the Regulation of the Right of Association, which clearly states that everyone has the right to freely and without reliance upon any authorisation, form associations, provided that their associations have no intention to promote violence or violate the criminal law or conflict public order; the associations may freely carry out activities in light of their purposes without interference by public authorities and these public authorities could not dissolve or suspend their activities unless stipulated by law or ruled by court. Its Article 4(2) further stipulates that anyone who, even if it is a public authority, obliges or exercises coercion to compel someone to enrol in an association or to depart from it, would be punished with a maximum of 3 years' imprisonment or a fine laid down in Article 347 of the Macao Criminal Code.

21. In addition, Article 5(1)(f) of the Framework Law on Employment Policy and Workers' Rights stipulates that all workers have the right to join the associations that represent their interests.

22. Specifically, Article 10(1) of the Labour Relations Law clearly prohibits employers from deterring, in any way whatsoever, their employees from exercising their rights or subjecting their employees to any adverse treatment for exercising such rights. The violation of the aforementioned provision by the employer is regarded as a misdemeanour

and the employer may be punished with a fine of MOP20,000.00 to MOP50,000.00 for each employee involved pursuant to Article 85(1)(ii) of the same law. Pursuant to Article 20 of the Law for the Employment of Non-Resident Workers, non-resident workers enjoy the same protection of freedom of association as local workers.

23. Concerning employees of public administration, Article 89(1) (n) and Article 132 of the General Regulations for Employees of Public Administration of Macao, approved by Decree-law no. 87/89/M, also stipulate that employees can be reasonably absent from duty for engaging in trade union activities. Although Article 32 of the General Regulations for Employees of Macao Security Forces, approved by Decree-law 66/94/M, contains considerable restrictions on the exercise of the rights to association and to strike of security forces personnel, this conforms to the provision of Article 8 of the International Covenant on Economic, Social and Cultural Rights. Since the duties of the personnel of the Macao SAR security forces involve substantial public interests, whether they can perform their duties smoothly has an impact on the public security of the Macao SAR as well as the personal and property safety of all citizens, the freedom of association of security forces personnel is subject to considerable restrictions during the course of their service. Nevertheless, such restrictions only apply to the circumstances where security forces personnel join associations with a political or trade union nature and participate in their activities but the exercise of the right to association by those personnel beyond the scope of restriction provided for in law is not impeded.

Article 9 – The right to social security

Please clarify whether migrant workers have access to social welfare system.

24. Reply: Regarding social welfare system, considering the practical situation of the society of the Macao SAR, the present laws of the Macao SAR have not provided that all social welfare would be extended to migrant workers. The specific situation is described as follows.

(1) Social security

25. Law no. 4/2010 established the Macao SAR Social Security System with a purpose of providing residents with fundamental social security, particularly retirement pension. The forms of settlement mainly include old-age pension, invalidity, unemployment, illness, birth, marriage and funeral subsidies.

26. Although non-resident workers are not entitled to contribute to the Macao Social Security System, both employers and non-resident workers could agree on setting up a private pension scheme on a consensual basis. Pursuant to Decree-law no. 6/99/M on the Establishment of the New Legal Framework of Private Pension Funds, the contributions of both employers and employees to the pension scheme and the pension funds are tax-free and, pursuant to Rules of Professional Tax, approved by Law no. 2/78/M, as amended by Law no. 12/2003, the money settlement received by the beneficiaries is also regarded as non-taxable income. According to the information provided by the Macao Monetary Authority, the percentage of non-resident workers benefited from the private pension scheme have steadily increased in the past 3 years.

Item	*2010*	*2011*	*2012*
Percentage of private pension-covered workers	29.4%	30.6%	34.8%
No. of private pension-covered workers	80,520	90,000	100,000

Item	*2010*	*2011*	*2012*
Resident workers	87.8%	85.8%	83.0%
Non-resident workers	12.2%	14.2%	17.0%

Source of information: Macao Monetary Authority.

27. It should be noted that due to an increase in non-resident employees from Mainland China from 41,895 in 2010 to 82,287 in the third quarter of 2013, making up 62.9% of the total number of non-resident employees, and in response to the increase number of people of regional mobility working and living between Macao and Mainland China, under the opportunity of the policy of the Guangdong-Macao Cooperation Framework Agreement, the Government of the Macao SAR and the Guangdong Provincial Department of Human Resources and Social Security signed the Guangdong-Macao Pension Cooperation Protocol on 14 June 2013 so as to consolidate their mutual research on the feasibility of portable social security.

(2) Protection of work-related injuries and accidents

28. Pursuant to Article 20 of the Law on Employment of Non-Resident Workers, Article 9(5) of the Labour Relations Law and Articles 46 to 54 and Article 62 of the Legal System of Compensation for Damage Caused by Work Accidents and Occupational Diseases, approved by Decree-law no. 40/95/M, it is expressly provided that employers have to purchase work-related injury insurance for all their employees and compensate the employees, within the term of the contracts, for the damages arising from occupational accidents and diseases, including medical consultations and treatment, parts and assistive devices for repair, temporary or long-term work incapacity protection, work-related death compensation, funeral expenses and so forth.

(3) Health care

29. In accordance with Decree-law no. 24/86/M that regulates the access of Macao population to health care, at present, only Macao SAR residents may obtain health care services provided by the Macao public hospital and its health centres. Nevertheless, in fact, in order to attract and stabilize human resources, some employers purchase commercial medical insurance for their employees as better fringe benefits for the latter.

30. It is worth pointing out that the law specially protects employees who are pregnant. Pursuant to Article 20 of the Law for the Employment of Non-Resident Workers and Articles 56 and 85(1)(5) of the Labour Relations Law, female employees, whether they are local workers or non-resident workers, should not be instructed to perform work incompatible with her physical condition during pregnancy and within three months after delivery. The employer may be punished with a fine of MOP20,000.00 to MOP50,000.00 for each employee involved for infringements. Meanwhile, employers are also forbidden to unilaterally terminate the labour relations with non-resident female workers in pregnancy or within 3 months after delivery; otherwise, the employer will be liable to pay compensation to the fired female employee corresponding to fifty-six days of the basic remuneration.

(4) Guarantee for lodgings and return to place of origin

31. According to Article 26 of the Law for the Employment of Non-Resident Workers, non-resident workers are entitled to suitable lodgings, guaranteed by the employer or by the employment agency which hired the respective worker. The right to lodging may be satisfied in cash. Order no. 88/2010 of the Chief Executive even expressly sets the minimum requirements of hygiene and living conditions that the accommodation of non-resident workers must meet, as well as in the case of cash payment, the respective minimum

amount (MOP500.00 per month at present). Employers who violate the above-mentioned provisions may be punished with a fine of MOP5,000.00 to MOP10,000.00. Moreover, non-resident workers are entitled to transportation costs for repatriation from the employer, upon termination of the labour relation.

(5) Social support services

32. The Macao SAR Government specially drew up "Living Tips for Macao Newcomers" pamphlets for Macao newcomers including non-resident workers so as to help them know about, adapt to and integrate into Macao life as soon as possible. Non-resident workers may also join the "Non-Resident Worker Network Services" sponsored by the Social Welfare Bureau and organised by both the Integrated Service Centre of Northern District of Macao Federation of Trade Unions and the Macao Caritas, with the content of the services including knowing about Macao, daily-life medical and sanitary knowledge, language training, recreational activities, interpersonal-psychological support and so forth. Other social service institutions also provide irregular recreational activities and cooking courses for non-resident workers.

Article 10 – Protection of the family, mothers and children

Please provide information on steps taken to criminalize domestic violence as a separate offence. Please elaborate upon steps taken by the authorities to combat domestic violence and to strengthen the services available to victims

33. Reply: Domestic violence has not yet been exclusively considered as an individual criminal offence under the current criminal law system of the Macao SAR. Nevertheless, at present, acts involving domestic violence are covered by the provisions for general criminal offences of the Macao Criminal Code. For instance, Articles 137 and 138 of the Macao Criminal Code provide for the offence to the physical integrity of a person whereas Article 146 even specifically establishes the offence of ill-treatment of minors, persons with incapacities or spouses; the article stipulates that he who physically or psychologically abuses the minor who is under his own care, protection or whom he has the responsibility to instruct or educate, the incapable or the low-ability person by reason of age, illness, physical or mental disability, the spouse or the person in an analogous situation will be punished with a penalty of 1 to 5 years of imprisonment; should the ill-treatment lead to a serious physical injury or the death of the victim, the offence would be aggravated and punishable with imprisonment penalties ranging from 2 to 8 years and 5 to 15 years respectively.

34. During the criminal procedures against the perpetrator of violence, the judge can order the imposition of appropriate mandatory measures on the perpetrator pursuant to law in accordance with the specific circumstance.

35. As a matter of fact, the Macao SAR Government has already drawn up a draft text for the Domestic Violence Prevention Act. The new round of consultation was launched in September 2012. The final improvements for the draft law are basically finished at present and there are conditions for the draft to enter into the legislation process within a short period of time. With the publication of its application afterwards, the protection of and support for the victims of domestic violence will be strengthened, appropriate counselling will be imposed on abusers in order to reduce the possibility of the reoccurrence of violent acts and publicity and education targeting at the community, schools, professionals and so forth concerning the prevention of domestic violence will also be consolidated.

36. With regard to relief and protection of victims, the Social Welfare Bureau runs a special unit, the Family Counselling Office, which comprises psychologists, legal advisers

and social workers who provide pluralistic services for high-risk families and women and children who are victims of domestic violence. The Bureau also has multiple social work centres, which provide support services for the courts and urgent cases. The specific services provided include:

(1) The aspects of accommodation and daily care

Two civil institutions sponsored by the Macao SAR Government provide refugee services for women and families subject to violence and monthly financial assistance for victims who are facing financial difficulties for leaving their families so as to guarantee the safety of the victims and allow them to live in a stable environment.

(2) The legal aspect

Should minors be abused, the Social Welfare Bureau will submit reports on their situations to the Public Prosecutions Office and will, considering their specific situations, apply to the court for entrusting them to relevant institutions pursuant to the Legal Framework on Educational and Social Protection on Juvenile Justice, approved by Decree-law 65/99/M. Should the abusers be the parents or guardians of the victims, the Bureau will apply to the court for the establishment of guardianship measures and will arrange appropriate guardians to assist the victims in taking care of their daily lives. On the other hand, the Bureau will also provide the victims and their families with legal consultation services in order to answer their legal questions, such as issues on marriage and property in domestic violence cases.

(3) The aspect of studies

If the studies of the victims are affected by unfortunate incidents or if there is a need for them to change their learning environments, the Bureau will assist the victims in handling issues with their studies through interdepartmental cooperation so as to allow them to continue their studies in a safe environment.

(4) The aspect of treatment

When necessary, the victims as well as their families may be provided with medical and counselling services, including psychological counselling and related referral services

37. The Social Welfare Bureau maintains a close relationship with private institutions and other entities with similar objectives, grants them support and cooperates with them, for instance, the Bureau sponsors civil institutions in the set-up of 24-hour helplines for the provision of support and counselling services for women and children who are affected by domestic violence. In addition, the Bureau also begins at the preventive level by consolidating relevant publicity in the community and holding various publicity activities and seminars on the International Family Day and the International Day for the Elimination of Violence against Women every year in the hope of enhancing citizens' attention.

Please provide information whether legislative amendments are foreseen with a view to prohibiting corporal punishment in all settings

38. Reply: The Macao SAR has a series of provisions for penalising corporal punishment of children. Corporal punishment of children can be penalised in accordance with the circumstances of the offence and the different criminal charges of the Macao Criminal Code, including simple offence to physical integrity (Article 137), serious offence to physical integrity (Article 138) and aggravated offence to physical integrity (Article 139). Should the harmful behaviour occur during the teaching staff's performance of his or her duty, the perpetrator may be punished in an aggravated manner pursuant to Article 140

of the Macao Criminal Code and the upper and lower limits of the penalty will be increase by one-third respectively.

39. Furthermore, as mentioned, Article 146 of the Macao Criminal Code specifically stipulates that he who physically or psychologically abuses the minor who is under his own care, protection or whom he has the responsibility to instruct or educate, or whom he maltreats, or for whom he does not provide proper care or support will be punished with a penalty of 1 to 5 years of imprisonment; should the ill-treatment lead to a serious injury of the physical integrity of the victim or the death of the victim, the offence will be aggravated and punishable with imprisonment penalties ranging from 2 to 8 years and 5 to 15 years respectively.

40. In relation to the imposition of disciplinary actions on children in schools or in educational institutions, the Disciplinary Regime for Students of Official Educational Institutes, approved by Order no. 46/SAAEJ/97, clearly forbids schools from using penalties, which impair the students' mental or physical integrity and their dignity, as disciplinary actions. In fact, the Education and Youth Affairs Bureau distributes the "School Operations Manual" every year, guiding the launch of different kinds of work in schools. With regard to the elimination of all forms of corporal punishment, the "School Operations Manual" clearly requires schools to implement the following guidelines: (1) the infliction of different kinds of mental or physical harm on students due to differences in sex, race, cultural background, religious beliefs, family background, lifestyle, academic performance, physical and psychological development and so forth are forbidden; (2) the following punishments, which impair students mentally or physically, their dignity and psychological health could not be used, namely, hitting students, ordering students to inflict harm on themselves or on each other, assigning students to position themselves in certain tiring postures or movements, increasing assignments as a punishment, ordering students to write school regulations or insulting words, confined isolation/isolation in a confined space, social isolation, verbal humiliation, public humiliation, imposing non-compensatory fines, depriving students of physical needs and so forth.

41. In order to supervise the implementation of the aforementioned guidelines, the Education and Youth Affairs Bureau and the School Crisis Management Team established a reporting mechanism. Should the school discover a suspected violation of the aforementioned guidelines, it should report to the Education and Youth Affairs Bureau for the latter's convenience to launch investigations, supervision and so forth and to redress the problem in time, and the violation concerned would be penalised pursuant to law should it be true.

42. Concerning adolescents who are 12 but not yet 16 and who have to be under educational supervision for having committed an offence or a misdemeanour, Law no. 2/2007, the Education and Supervision Regime of Juvenile Offenders, establishes the methods used by the Youth Correctional Institution to handle adolescent offenders and clearly forbids the adoption of educational supervision measures, which impair the students' physical integrity, health and dignity so as to protect adolescents from any ill treatment and all forms of corporal punishment.

43. In order to implement the related clauses, the Youth Correctional Institution arranges relevant pre-employment training courses for new staff and regular internal training for other staff. In addition, the Institution often holds meetings for discussing various operational matters so as to ensure that its staff perform their duties in accordance with related laws.

Article 11 – The right to an adequate standard of living

Please provide updated information on the implementation of the plan to increase the supply of public social housing

44. Reply: The Macao SAR Government has been paying great attention to residents' housing problem, has distinctly proposed the objectives of the "Own a Home, Enjoy a Good and Prosperous Life" Housing Policy and the "Social Housing as the Priority, Affordable Housing Comes the Second" Public Housing Policy and has been steadily carrying forward the work of public housing so as to help hard-pressed families solve their housing demands. So far, the Macao SAR Government has provided approximately 45,200 public housing units, has sponsored approximately 18,600 units through the "Home Purchase Loan Subsidy Scheme" and implements the "Provisional Plan for Issuing Allowance to Households from the List of Candidates for Social Housing" in order to subsidise the households, which have been accepted to await social housing units.

45. Meanwhile, the Macao SAR Government has also planned to reserve considerable land among 5 pieces of newly reclaimed land for the building of public housing and part of the land, which was illegally occupied, will also be reserved for the building of public housing units apart from the 19,000 public housing units.

Article 12 – The right to physical and mental health

Please provide more information on the work of the Commission on the Fight Against Drugs, established in 2008, as well as the impact of programmes implemented to prevent illicit drug consumption

46. Reply: The Macao SAR Government aggressively implements the three major anti-drug strategies of controlling the supply of drugs, reducing their demand as well as their harm. The Narcotics Control Committee founded in 2008 devotes itself to the connection and collaboration with relevant anti-drug public and private units for boosting the systematisation of necessary coordination work in order to motivate the participation of the whole society so as to enhance the efficacy of anti-drug work. The functions of the Committee include assisting the Government with the formulation and implementation of policies, strategies and plans related to the combat against drugs and substance dependence, and coordinating the actions of combating against drugs and substance dependence launched by public and private units of the Macao SAR through whole, interdepartmental and interdisciplinary means.

47. The Youth Drug Problem Concern Working Group subordinated to the Narcotics Control Committee assists the Government in formulating strategies related to the prevention from drug abuse and encouraging all the citizens to participate in educational publicity work concerning the prevention and prohibition from drugs. There is also a Working Group on Implementation and Monitoring of the Anti-Drug Law which assists the Government in promoting the strategies related to the prevention of youth from substance abuse, reviews and coordinates the implementation of the aforementioned Anti-Drug Law and provides relevant opinions for improvement.

48. Between 2010 and 2012, there were three projects that the Youth Drug Problem Concern Working Group followed up with.

(1) The "study on the drug abuse level of adolescents" was launched in 2010, with the aim to strengthen data collection from drug abused adolescents, to evaluate the seriousness of drug abuse of adolescents and to adopt corresponding measures, as well as to compensate the insufficiency of the present centralized registration system of drug abusers.

The result of the relevant study reflected that the number of drug abusers and the level of seriousness of those adolescents being interviewed between 16 and 18 were higher than other age groups, that drug abuse crisis level increased with age and that higher education indicated lower drug abuse crisis, and so forth. Such results are helpful for the Macao SAR to formulate anti-drug measures.

(2) The "anti-drug tips" campaign was launched in 2011 and has been continuously conducted. Its contents include: (i) producing "anti-drug tips" promotional souvenirs, containing anti-drug helplines and relevant websites serving as consultation platforms; (ii) developing a specific website, containing a series of simulated videos and vocals of adolescents and parents on issues of drug abuse, information of relevant anti-drug organisations and newspapers, drug abuse screening scales and co-dependence self-testing scales; (iii) providing messaging services to provide parents and adolescents with anti-drug information through mobile messaging services, with monthly updates; (iv) developing "anti-drug tips" training to government and NGOs, to strengthen front-line law enforcement personnel's knowledge on drugs, with 1,292 person-times participating in 2012 and an increase to 1,780 person-times in 2013 (until October).

(3) To encourage young people, through artistic creation, to think in depth the dangers of drug abuse, the value of life and the importance of healthy living, thereby enhancing the anti-drug ability, the Social Welfare Bureau, during the period from September 2012 to July 2013, in conjunction with the Cultural Affairs Bureau and 4 anti-drug NGOs, planned and organised the "series of activities related to microfilm making contest for the combat of drug", attracting the participation of a few hundred adolescents. The website specifically dedicated to the contest was visited by more than 10,000 person-times. The event effectively demonstrated the scourge of drugs and promoted the consciousness of the prevention of drug abuse.

Articles 13 and 14 – The right to education

Please clarify whether steps are foreseen to ensure that primary education is provided free of charge to children of migrants

49. Reply: Currently, although only students of non-tertiary education among Macao SAR residents can enjoy the right to free education pursuant to Law no. 9/2006, the Framework Law on Non-Tertiary Education System, and Administrative Regulation no. 19/2006, the Allowance Scheme of Free Schooling, the Macao SAR Government does not have any plan to extend the related free schooling allowance to non-Macao residents at present. Nevertheless, what is worth emphasizing is that Article 3(1) of the Framework Law on Non-Tertiary Education System clearly stipulates that all persons, regardless of nationality, descent, race and so forth have the right to education pursuant to law and these persons include the children of all non-resident workers who live in Macao. As a matter of fact, at present, the tuition fees of non-Macao residents who are receiving formal education in public schools are far lower than the educational cost per person put into the related educational stage by the Macao SAR Government.